

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CAROLYN GREENE, Individually and On Behalf of All Others Similarly Situated,	:	1:03-cv-12628 (NG)
	:	
Plaintiff,	:	RELATED ACTIONS:
	:	1:04-cv-10046 (NG)
	:	1:04-cv-10055 (NG)
vs.	:	1:04-cv-10077 (NG)
	:	1:04-cv-10078 (NG)
BIOPURE CORPORATION, THOMAS A. MOORE,	:	1:04-cv-10090 (NG)
CARL W. RAUSCH, and RONALD F. RICHARDS,	:	1:04-cv-10144 (NG)
	:	1:04-cv-10155 (NG)
Defendants.	:	1:04-cv-10179 (NG)
	:	1:04-cv-10189 (NG)
	:	1:04-cv-10190 (NG)
	:	1:04-cv-10202 (NG)
	:	
	:	
JOHN G. ESPOSITO, JR., Individually and On Behalf of All Others Similarly Situated,	:	
	:	1:04-cv-10013 (NG)
Plaintiff,	:	
	:	
vs.	:	
	:	
BIOPURE CORPORATION, THOMAS A. MOORE,	:	
CARL W. RAUSCH, and RONALD F. RICHARDS,	:	
	:	
Defendants.	:	
	:	
	:	
JOSEPH L. KING, Individually and On Behalf of All Others Similarly Situated,	:	
	:	1:04-cv-10038 (NG)
Plaintiff,	:	
	:	
vs.	:	
	:	
BIOPURE CORPORATION, THOMAS A. MOORE,	:	
CARL W. RAUSCH, and RONALD F. RICHARDS,	:	
	:	
Defendants.	:	

**HOMEYER GROUP'S MOTION FOR LEAVE TO FILE REPLY MEMORANDUM IN
FURTHER SUPPORT OF ITS MOTION FOR CONSOLIDATION, APPOINTMENT OF
CO-LEAD PLAINTIFFS, AND APPROVAL OF CO-LEAD PLAINTIFFS' SELECTION
OF CO-LEAD COUNSEL AND LIAISON COUNSEL**

The Homeyer Group moves this Court for leave to file the attached Reply Memorandum in Further Support of Its Motion for Consolidation, Appointment of Co-Lead Plaintiffs, and Approval of Co-Lead Plaintiffs' Selection of Co-Lead Counsel and Liaison Counsel. Both the Biopure Lead Plaintiff Group and Lead Plaintiff Applicant Ronald Erickson have filed reply briefs and the Homeyer Group believes that the matter contained in its Reply will assist the Court in its resolution of the motions pending before it. Both the Biopure Group and Mr. Erickson have stated that counsel for the Homeyer Group assented to or did not oppose their respective filing of Motions for Leave to File Reply Briefs in Further Support of Their Appointment as Lead Plaintiff and Approval of Their Selection of Counsel. There was some discussion about whether Milberg Weiss Bershad & Schulman LLP and Moulton & Gans, P.C. would assent to, or not oppose, the Biopure Group and Mr. Erickson's Motions to File. Our understanding is that we concluded we would not assent, and would oppose their filings. But we recognize that counsel for the Biopure Group and Mr. Erickson may legitimately have a different understanding. In light of the fact that other movants have filed a reply, the Homeyer Group respectfully seeks leave from the Court to grant its motion to file a Reply.

DATED: May 14, 2004

Respectfully submitted:

MOULTON & GANS, P.C.

By: /s/ Nancy Freeman Gans
Nancy Freeman Gans, BBO #184540
33 Broad Street, Suite 1100
Boston, MA 02109
Telephone: (617) 369-7979

Proposed Liaison Counsel

**MILBERG WEISS BERSHAD &
SCHULMAN LLP**

Steven G. Schulman
Peter E. Seidman
Sharon M. Lee
One Pennsylvania Plaza
New York, NY 10119
Telephone: (212) 594-5300

Proposed Co-Lead Counsel

RABIN MURRAY & FRANK LLP

Eric J. Belfi
275 Madison Avenue
New York, NY 10016
Telephone: (212) 682-1818

**LAW OFFICES OF BRUCE G.
MURPHY**

Bruce G. Murphy
265 Llwyds Lane
Vero Beach, FL 32963
Telephone: (772) 231-4202

Attorneys for Plaintiff

LOCAL RULE 7.1(A)(2) CERTIFICATE

I, Nancy Freeman Gans, hereby certify that I have this morning consulted with David Pastor of Gilman & Pastor, local counsel for the Biopure Lead Plaintiff Group, and Howard Longman of Stull, Stull & Brody, counsel for Mr. Erickson, concerning the within Motion. Neither attorney opposes this Motion.

/s/ Nancy Freeman Gans
Nancy Freeman Gans

CERTIFICATE OF SERVICE

I, Nancy Freeman Gans, hereby certify that a true copy of the above document was served upon the attorney of record for each party by facsimile on May 14, 2004.

/s/ Nancy Freeman Gans
Nancy Freeman Gans